

Message Text

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PAGE 01 BERLIN 00108 01 OF 02 211616Z

42

ACTION EUR-25

INFO OCT-01 ISO-00 PPT-02 SCA-01 L-03 SY-10 EURE-00 PA-04

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TO SECSTATE WASHDC PRIRORITY 2856

AMEMBASSY BONN PRIORITY

INFO AMEMBASSY LONDON

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LIMITED OFFICIAL USE SECTION 1 OF 2 BERLIN 108

E.O. 11652: N/A

TAGS: CPAS (WILLIAMS, CALVIN TRUE NAME CHARLES E. DAVIS), WB PGOV

SUBJECT: PRESS GUIDANCE FOR CALVIN WILLIAMS CASE

REF: A) BERLIN 91; B) STATE 11873 (NOTAL)

DEPARTMENT FOR EUR/CE AND PT/LE

1. POLICE AND SENATOR FOR JUSTICE'S OFFICE INTEND TO MAINTAIN PRESENT POLICY OF REFUSING COMMENT ON CASE WHILE IT REMAINS UNDER INVESTIGATION. AT SUCH TIME AS WILLIAMS MAY BE RELEASED BY A JUDGE AND THEN REARRESTED PURSUANT TO WISH OF U.S. AUTHORITIES THAT HE BE DETAINED PENDING APPLICATION TO AND DECISION BY AK EXPLUSION BOARD (WHICH WE EXPECT TO BE JANUARY 22), THEY WOULD BEGIN TO REFER INQUIRIES TO U.S. PRESS SPOKESMAN, WHO WILL DRAW UPON FOLLOWING MATERIAL AS APPROPRIATE (USE OF BRACKETED MATERIAL IS DEPENDENT UPON FACTS AT TIME):

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PAGE 02 BERLIN 00108 01 OF 02 211616Z

BASIC STATEMENT

"THE U.S. SECTOR AUTHORITIES HAVE INSTRUCTED THE POLICE TO DETAIN AN AMERICAN CITIZEN USING THE NAME CALVIN WILLIAMS PENDING AN APPLICATION BY THE U.S. SECTOR AUTHORITIES TO THE ALLIED KOMMANDATURA BOARD FOR THE EXPULSION OF UNDESIRABLE PERSONS. THESE ACTIONS ARE TAKEN PURSUANT TO ALLIED KOMMANDATURA LAW NO. 8, WHICH PROVIDES FOR DETENTION OF AN INDIVIDUAL FOR TEN DAYS, DURING WHICH TIME AN APPLICATION BY THE AUTHORITIES OF ONE SECTOR FOR THE EXPULSION OF AN INDIVIDUAL FROM GREATER BERLIN CAN BE CONSIDERED BY THE TRIPARTITE EXPULSION BOARD.

"THE INDIVIDUAL IN QUESTION HAD PREVIOUSLY BEEN DETAINED BY THE GERMAN AUTHORITIES ON THE SUSPICION OF HAVING VIOLATED PROVISIONS OF ALLIED ORDINANCE 511. DURING THE COURSE OF THAT INVESTIGATION, INFORMATION WAS DEVELOPED BY THE AMERICAN AUTHORITIES THAT INDICATED THE INDIVIDUAL MIGHT BE USING A FALSE NAME AND MIGHT IN FACT POSSESS A POLICE RECORD IN THE UNITED STATES UNDER HIS ACTUAL NAME. ACCORDINGLY, THE U.S. SECTOR AUTHORITIES RECOVERED THE INDIVIDUAL'S PASSPORT ON JANUARY 9 (A WARRENT FOR THE ARREST OF THE INDIVIDUAL HAS BEEN ISSUED IN THE UNITED STATES ON THE CHARGE OF PASSPORT FRAUD. THE U.S. SECTOR AUTHORITIES ACCORDINGLY ARE APPLYING TO THE EXPULSION BOARD FOR THE REMOVAL OF THE INDIVIDUAL FROM BERLIN.) (... AND ARE NOW INSTITUTING PROCEDURES FOR THE EXPULSION OF THE INDIVIDUAL FROM GREATER BERLIN.)"

2. RESPONSES TO FURTHER MORE SPECIFIC INQUIRIES MIGHT BE
ALONG FOLLOWING LINES.

1. A. CAN YOU GIVE ADDITIONAL DETAIL ON THE
ESPIONAGE CASE?

A. WE UNDERSTAND THAT THE JUDGE TERMINATED
THE PROCEEDINGS UNDER ALLIED ORDINANCE 511 BECAUSE
HE DID NOT CONSIDER THAT THE EVIDENCE THUS FAR PRESENTED
BY THE PROSECUTING AUTHORITIES WAS SUFFICIENT TO
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PAGE 03 BERLIN 00108 01 OF 02 211616Z

INDICATE THAT A CONVICTION WOULD BE OBTAINED AS OF THAT
MOMENT IN TIME. IT WOULD NOT BE APPROPRIATE FOR ME TO
COMMENT IN ANY DETAIL ON THE CHARGES. THE APPLICATION
FOR EXPULSION FROM BERLIN IS NOT DEPENDENT UPON THE CASE
WHICH HAS BEEN TERMINATED BY THE JUDGE."

2. Q. WERE NOT THE CHARGES ACTUALLY DROPPED IN
DECEMBER AND HAS HE NOT BEEN HELD FOR A MONTH SOLELY

ON THE REQUEST OF THE U.S. AUTHORITIES?

A. NO. THE BASIS FOR HIS DETENTION AND FOR THIS INVESTIGATION WAS ALLIED ORDINANCE 511, UNDER WHICH ESPIONAGE AND OTHER MATTERS RELATED TO THE SECURITY OF BERLIN ARE PUNISHABLE IN BERLIN. ALLIED KOMMANDATURA LAW NO. 7 REQUIRES THAT THE ALLIED KOMMANDATURA OR THE APPROPRIATE SECTOR AUTHORITIES MUST AUTHORIZE A GERMAN COURT TO EXERCISE JURISDICTION OVER AN OFFENCE ALLEGED TO HAVE BEEN COMMITTED AGAINST ALLIED LEGISLATION. AT THE TIME THAT THE BASIS FOR THE ARREST AND THE INVESTIGATION WAS ESTABLISHED ALLIED ORDINANCE 511, THE US SECTOR AUTHORITIES PROVIDED THE APPROPRIATE AUTHORIZATION TO THE GERMAN COURT.

3. Q. WHAT WILL BE DONE WITH WILLIAMS?

A. AN INDIVIDUAL MAY BE DETAINED PENDING A DECISION OF THE ALLIED KOMMANDATURA EXPULSION BOARD FOR TEN DAYS. WE WOULD ASSUME THAT WITHIN THAT PERIOD THE EXPULSION BOARD WILL CONSIDER AND ACT UPON THE APPLICATION OF THE U.S. SECTOR AUTHORITIES FOR WILLIAMS' EXPULSION FROM GREATER BERLIN. IF THE BOARD GRANTS THE APPLICATION AND ORDERS THE EXPULSION, 'WILLIAMS' WOULD BE REMOVED FORTHWITH FROM GREATER BERLIN.

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PAGE 01 BERLIN 00108 02 OF 02 211702Z

45

ACTION EUR-25

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LIMITED OFFICIAL USE SECTION 2 OF 2 BERLIN 108

4. Q. WHO IS WILLIAMS?

A. OUR INFORMATION, BASED UPON AN EXAMINATION OF IDENTITY DATA, IS THAT THE INDIVIDUAL CALLING HIMSELF CALVIN WILLIAMS IS AN AMERICAN CITIZEN WHOSE ACTUAL NAME IS CHARLES E. DAVIS.

5. Q. IS HE WANTED ON CHARGES IN THE UNITED STATES?

A. (THE U.S. AUTHORITIES ARE INTERESTED IN PURSUING THEIR INVESTIGATION OF THIS INDIVIDUAL. I CANNOT SAY AT THIS TIME, OF COURSE, WHETHER HE WOULD BE BROUGHT TO TRIAL WERE HE TO RETURN TO THE UNITED STATES.) (A WARRANT OF ARREST HAS BEEN ISSUED IN THE UNITED STATES AGAINST HIM WITH RESPECT TO A CHARGE OF PASSPORT FRAUD.)
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PAGE 02 BERLIN 00108 02 OF 02 211702Z

6. Q. IS HE BEING EXTRADITED TO THE UNITED STATES?

A. NO. HE IS BEING EXPELLED FROM GREATER BERLIN TO THE UNITED STATES IN CONNECTION WITH THE INVESTIGATION OF THE POSSIBILITY THAT HE HAS COMMITTED PASSPORT FRAUD. HIS OLD PASSPORT IN THE NAME OF WILLIAMS HAS BEEN TAKEN BACK BY THE USG AND HE HAS BEEN ISSUED AN IDENTITY CARD IN THE NAME OF DAVIS.

7. Q. DOESN'T WILLIAMS HAVE A GERMAN WIFE?

A. IT IS MY UNDERSTANDING THAT HE LIVED FOR A NUMBER OF YEARS WITH A WOMAN IN EAST BERLIN BY WHOM HE CLAIMS TO HAVE A CHILD. THE WOMAN AND CHILD ARE NOW RESIDING IN WEST BERLIN. APPARENTLY HE IS NOT MARRIED TO THE WOMAN.

8. Q. WOULD A MARRIAGE MAKE ANY DIFFERENCE TO THE PROPOSED EXPULSION?

A. NO.

9. Q. WILLIAMS SAYS HE (HAS) (WISHES TO RENOUNCE

HIS U.S. CITIZENSHIP. WHAT EFFECT WOULD THIS HAVE?

A. THE CITIZENSHIP OF WILLIAMS-DAVIS WOULD HAVE NO EFFECT UPON THE EXPULSION. HOWEVER, TO BE ABLE TO RENOUNCE HIS AMERICAN CITIZENSHIP, IT WOULD BE NECESSARY FOR HIM TO ESTABLISH HIS CORRECT IDENTITY--THAT IS, TO ADMIT THAT HE IS IN FACT DAVIS, NOT WILLIAMS, AND HAS COMMITTED PASSPORT FRAUD.

10. Q. HOW DOES A U.S. CITIZEN RENOUNCE HIS CITIZENSHIP?

A. THIS IS PROVIDED FOR BY U.S. LAW. IN BRIEF HE MUST MAKE A FORMAL DECLARATION OF RENUNCIATION IN WRITING TO THE U.S. CONSUL AND IN THE PRESENCE OF TWO WITNESSES. THE RENUNCIATION MUST, HOWEVER, BE A TRUE AND FACTUAL STATEMENT TO BE EFFECTIVE. THAT IS WHY THE QUESTION OF IDENTITY IS OF IMPORTANCE.

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PAGE 03 BERLIN 00108 02 OF 02 211702Z

11. Q. IS WILLIAMS TOO SICK TO LEAVE BERLIN? WE UNDERSTAND THAT A PRISON DOCTOR WHO EXAMINED HIM DETERMINED THAT HE HAS TUBERCULOSIS AND SUCH A SEVERE CASE OF ANEMIA THAT IT WOULD BE IMPOSSIBLE FOR HIM TO TRAVEL BY AIR.

A. (WILLIAMS WAS CONFINED FOR PART OF HIS DETENTION IN A PRISON HOSPITAL WHERE HE RECEIVED TREATMENT FOR TUBERCULOSIS. IT HAS ALSO BEEN DETERMINED THAT HE SUFFERS FROM ANEMIA. IN THE VIEW OF COMPETENT DOCTORS WHO HAVE EXAMINED HIM (HIS MEDICAL RECORDS) HE IS, HOWEVER, CAPABLE OF FLYING IN A PRESSURIZED AIRPLANE WITHOUT RISK TO HIS HEALTH.) (IN THE EVENT THAT DOCTORS DETERMINE THAT HIS HEALTH IS SUCH THAT HE SHOULD NOT TRAVEL AT THIS TIME, IT IS ENVISAGED THAT AN EXPLUSION ORDER COULD PROVIDE THAT HE BE EXPELLED FROM GREATER BERLIN WHEN HE IS JUDGED MEDICALLY ABLE TO TRAVEL AND THAT HE BE DETAINED AND TREATED IN A PRISON HOSPITAL FACILITY UNTIL SUCH TIME.)

12. Q. WHY WAS WILLIAMS' PASSPORT TAKEN BY THE U.S. AUTHORITIES JANUARY 9?

A. UNDER LAW, A PASSPORT IS THE PROPERTY OF THE U.S. GOVERNMENT, NOT OF THE INDIVIDUAL TO WHOM IT IS ISSUED. A CONSULAR OFFICER OBTAINED THE WILLIAMS PASSPORT JANUARY 9 BECAUSE IT WAS NEEDED IN CONNECTION WITH THE INVESTIGATION OF POSSIBLE CHARGES AGAINST HIM IN THE U.S. AT SUCH TIME AS HE LEAVES BERLIN, HE WILL BE ISSUED AN IDENTITY CARD IN HIS PROPR NAME VALID

ONLY FOR RETURN TRAVEL TO THE UNITED STATES.

3. COMMENT: WE RECOGNIZE THE ABOVE-SUGGESTED RESPONSES TO QUESTIONS ARE UNUSUALLY FULL. GIVEN BACKGROUND OF WILLIAMS CASE (INCLUDING RACIAL COMPONENT), HOWEVER, WE CONSIDER IT IMPORTANT TO PLACE ACCURATE INFORMATION ON RECORD IN SUITABLY COMPREHENSIVE FASHION SO AS TO FORESTALL, TO EXTENT POSSIBLE, SUBSEQUENT PUBLIC CHARGES BY WILLIAMS AND/OR HIS LAWYER OF DISCRIMINATION OR OTHER UNFAIR PRACTICE.

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PAGE 04 BERLIN 00108 02 OF 02 211702Z

4. USCOB CONCURS.BORG

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